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Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 3693

PATENT  
Attorney Docket No. 18638-04-5010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Glenn McGARRY, et al.	)	Confirmation No. 7173
	)	
Application No.: 09/764,782	)	Group Art Unit: 3693
	)	
Filed: January 17, 2007	)	Examiner: J. Borlinghaus
	)	
For: SYSTEM FOR CAPTURING DEAL	)	
INFORMATION	)	MS: AF

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop AF**  
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final decision of the Examiner dated August 7, 2008, finally rejecting claims 26-58.

09/28/2008 JADD01 00000023 500310 09764782  
01 FC:1401 510.00 DA

## 1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant requests an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 460.00	\$ 230.00
<input type="checkbox"/> three months	\$ 1,050.00	\$ 525.00
<input type="checkbox"/> four months	\$ 1,640.00	\$ 820.00

Please charge Deposit Account No. 50-0310 in the amount of \$0.00 for the \_\_\_\_\_ fee.

If an additional extension of time is required, please consider this a Petition therefor.

## 2. Notice of Appeal Fee - 37 C.F.R. § 41.20(b)(1)

☒ The Commissioner is authorized to charge the appeal fee of \$510.00 to Deposit Account No. 50-0310.

## 3. Fee Payment

☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of \$510.00 for the Notice of Appeal fee.

4. Constructive Petition

- ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

*Carolyn Kosowski*  
Carolyn B. Kosowski  
Reg. No. 60,818 For

Dated: August 27, 2008

By:

Kyle J. Choi  
Registration No. 41,480

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202.739.3000  
Fax.: 202.739.3100